



PUBLIC NOTICE

Federal Communications Commission
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DA 03-692
March 7, 2003

COMMENTS INVITED ON KMC TELECOM III LLC APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

Comp. Pol. File No. 633

Comments Due: March 21, 2003

Section 214 Application **Applicant: KMC Telecom III LLC**

On February 7, 2003, KMC Telecom III LLC (KMC or Applicant) located at **1545 Route 206, Suite 300, Bedminster, New Jersey 07921** filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of domestic telecommunications services to certain customers in Florida, Maryland, Michigan, Minnesota, Mississippi, Tennessee and Texas.

The application indicates that KMC has limited operations in Florida, Maryland, Michigan, Minnesota, Mississippi, Tennessee and Texas. In these states, KMC currently provides long distance and toll free services via switched or dedicated facilities, and customers may purchase the services in conjunction with KMC's local service or on a "Standalone" basis. KMC intends to discontinue offering switched intrastate long distance and toll free services to customers who purchase only long distance or toll free service from KMC. The following chart details the number of affected customers in each state.

State	# Customers
Florida	340
Maryland	15
Michigan	105
Minnesota	16
Mississippi	60
Tennessee	68
Texas	107

KMC states that it sent notice to the affected customers on February 3, 2003, advising them of

the need to make arrangements to receive service from another carrier. KMC states that customers who purchase long distance or toll free services in addition to, or in conjunction with, local service from KMC will not be affected by the proposed discontinuance. In its application, KMC states that it has targeted the following three service discontinuance dates – March 10, 2003 (Michigan, Minnesota, Mississippi, Tennessee); April 6, 2003 (Florida, Maryland) and April 12, 2003 (Texas).

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified the Applicant that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), KMC cannot legally terminate service to its customers until at least the thirty-first day after the release of this Public Notice, in this case, April 7, 2003. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **March 21, 2003**. Such comments should refer to **Comp. Pol. File No. 633**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room

CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at **qualexint@aol.com**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rlmcdona@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit [http://www.fcc.gov/wcb/cpd/other adjud](http://www.fcc.gov/wcb/cpd/other_adjud).

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